

## **REMARKS**

In connection with the filing of a request for continued examination (“RCE”), the above amended claims and following remarks are submitted in response to the Final Office Action dated November 9, 2007. The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1 and 9 are amended. Accordingly, claims 1-15 are pending in the application.

### **I. Claims Rejected Under 35 U.S.C. § 103**

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,807,156 issued to Veres et al. (hereinafter “Veres”) in view of U.S. Patent No. 6,598,034 issued to Kloth (hereinafter “Kloth”). To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

Claim 1, as amended, recites the elements of “the traffic types including a traffic type that is identified based on an application signature from other flows since the port numbers are exchanged through other control flows.” The amendments are supported by, for example, page 8, lines 7-19 of the Specification. Veres fails to teach or suggest these elements. First, Veres discloses that the prefiltering process separates packets as belonging to the subset currently being monitored and those which do not belong to the set of currently monitored subscribers. See Veres, column 9, lines 61-66. However, Veres fails to disclose that a traffic type is *identified based on an application signature* from other flows as required in claim 1. Instead, Veres teaches that identification of an Internet service (i.e., traffic type) is accomplished based on the ports related to the packets *included in the corresponding microflow* (i.e., “flow”) instead of being based on *other microflows*. Consequently, Veres fails to teach or suggest the elements of “the traffic types including a traffic type that is identified based on an application signature from other flows since the port numbers are exchanged through other control flows,” as recited in claim 1.

In addition, Kloth fails to teach or suggest the above missing elements. The Applicants are unable to discern and the Examiner has failed to cite the portion of Kloth that teaches or suggests the missing elements. Thus, for at least these reasons, Veres in view of Kloth fails to

teach or suggest each element of claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

In regard to independent claim 9, this claim, as amended, recites analogous limitations to those in claim 1. Thus, for at least the reasons discussed in connection with claim 1, Veres in view of Kloth fails to teach or suggest each element of claim 9. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 9.

In regard to dependent claims 2-8 and 10-15, these claims depend from base claims 1 and 9, respectively, and incorporate the limitations thereof. Therefore, for at least the reasons discussed in connection with claims 1 and 9, Veres in view of Kloth fails to teach or suggest each element of claims 2-8 and 10-15. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-8 and 10-15.

## **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

## **PETITION FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Final Office Action mailed on November 9, 2007, the Applicants respectfully petition the Commissioner for a one (1) month extension of time, extending the period for response to March 9, 2008. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$60.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(2) small entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

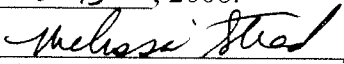
Dated: 2/13, 2008

  
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### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 2-13, 2008.

  
Melissa Stead

2/13, 2008